



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

LOUIS, WILLIAM J., et al.

Appln. No.: 09/530,807

Confirmation No.: 3573

Filed: July 31, 2000

For: RECEPTOR WITH AN AFFINITY FOR COMPOUNDS OF THE OXAZOLINE CLASS

Docket No: Q59123

Group Art Unit: 1626

Examiner: WRIGHT, S.



RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
Washington, D.C. 20231

Sir:

Applicants submit herewith, a petition and fee to extend the time period for reply to the Office Action dated January 6, 2003, to March 7, 2003 (March 6, 2003, being a Sunday).

Applicants make the following election with traverse in response to the restriction requirement.

According to the Examiner the claims lack unity of invention under PCT Rule 13.1 and 13.2 since the compounds defined in the claims lack a significant structural element qualifying as a special technical feature that defines a contribution over the prior art. It is the Examiner's position that the compounds contain variables R' , R^1 , R^2 , X, W, Y and Z which do not define a contribution over the prior art. Further, the Examiner states that the substituents vary extensively and can result in vastly different compounds and imposes a burden on the Examiner.

Applicants respectfully traverse the restriction requirement for the following reasons.

The Examiner has grouped the claims as being directed to compounds whereas the claims are

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directed to methods of treatment pursuant to an election in response to a previous restriction requirement. In addition, the compounds defined in the claims have a heteroaryl ring wherein X is O or S and Y is optionally substituted C₂-C₃ alkylene group as a common structural element as opposed to the variables R', R¹, R², X, W, Y and Z as stated by the Examiner. Further, it appears from the Examiner's groupings that the "optionally substituted C₅-C₇ cycloalkyl" variable for W is substantially a different group from CHR¹R². However, Applicants point out that the C₅-C₇ cycloalkyl group corresponds to a CHR¹R² group where R¹ and R² are linked to form the C₅-C₇ cycloalkyl group, e.g., formulas III, IV and V which are subgroups of formula II.

Therefore, in view of the above and in view of the Examiner's statement that Applicants may choose to elect a single invention by identifying another specific embodiment of the invention not listed in the exemplary groups, Applicants elect compounds drawn to formula II wherein W is optionally substituted C₅-C₇ cycloalkyl; -CHR¹R², where R¹ and R² are independently selected from hydrogen, optionally substituted C₁-C₆ alkyl, optionally substituted C₃-C₇ cycloalkyl and optionally substituted aryl; Z is imino; X is O; and Y is optionally substituted C₂-C₃ alkylene. Examples of compounds falling within the scope of the elected invention are Rilmenidine, BAY-A6781, (+)-S8349, (-)-S8350, O501, O503, (S)-(+)-O504 and (R)-(-)-O504 as identified in Table 2 on page 37 of the specification.

If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

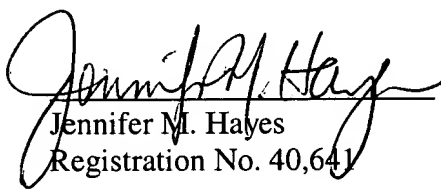
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